

THURSDAY, APRIL 10, 2014

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of April 10, 2014 together with the maps and staff reports attached thereto and incorporated therein by reference.

HEARINGS ARE ADVERTISED FOR 9:00 A.M. HEARINGS GENERALLY PROCEED IN THE ORDER LISTED, UNLESS CHANGED BY THE PLANNING COMMISSION AT THE MEETING.

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ROLL CALL

PRESENT: Commissioner(s) Eric Meyer, Don Campbell, Ken Topping, and Tim Murphy.

ABSENT: Commissioner(s) Jim Irving.

4. Continued hearing to consider a request by JACK LOPERENA for a Minor Use Permit/Coastal Development Permit to allow for the construction of a 3,097 square foot single family residence which includes 1) 1,097 square feet of living space; 2) 1,040 square foot basement; 3) 338 square foot mezzanine; 4) 242 square foot garage and 200 square foot carport; and, 5) 180 square foot covered deck. The proposed project is within the Residential Single Family land use category and is located on the west side of Studio Drive, adjacent to the State Parks property on the northern end of Studio Drive, approximately 250 feet south of the intersection of Studio Drive and Highway 1. The site is in the Estero planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. The Environmental Coordinator, after completion of the initial study, finds that there is evidence that the project may have a significant effect on the environment, and therefore a Final Environmental Impact Report (FEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) for this project. The FEIR addresses potential impacts on: aesthetic resources, air quality, biological resources, geology and soils, noise, and water. Mitigation measures are proposed to address these impacts and are included as conditions of approval. There were no significant and unavoidable impacts associated with this project. Anyone interested in commenting or receiving a copy of the proposed Environmental Determination should submit a written statement for the hearing. Comments will be accepted up until completion of the public hearing(s). CONTINUED FROM 1/23/14.
County File No: DRC2005-00216 Assessor Parcel Number: 064-253-007
Supervisorial District: 2 Date Accepted: April 16, 2007
Ryan Hostetter, Project Manager Recommend approval

POST HEARING DETERMINATION: APPROVED

Tim Murphy: asks Commissioners for any ex-parte contacts.

Ken Topping: discloses his ex-parte contacts.

Ryan Hostetter, Project Manager: presents staff report via a Power Point presentation which includes the modified project design requested by the Commission on January 23, 2014.

Cathy Novak, agent: presents project proposal amendments and re-design and notes specific modifications.

Bruce Elster, agent: states he is available for questions.

Tim Murphy: opens Public Comment.

Francie Faronet, Larry Loperena, Doreen Liberto-Blanck, and Kevin Elder: speak.

Ryan Hostetter, Project Manager: introduces consultant tema, Shanna Scott and Mike Phipps.

Shanna Scott: discusses criteria and reasoning for lack of triggers that would require a re circulation of an EIR.

Ryan Hostetter, Project Manager: addresses Public Comment regarding communication with the California Coastal Commission (CCC) in terms of the gross structural area calculations applied.

Tim Murphy: points out a correction to Page 4-13 f.

Ken Topping: requests locations of new basement footings with Ms. Hostetter responding.

Bruce Elster: directs Commissioners to the rock outcrop on the over head viewer to address Mr. Topping's basement footings location question.

Ken Topping: respectfully disagrees with the County's geo technical experts and provides reasoning, detailing increased seal level rise. States he would like a project that reflects the most up to date science so that hazard issues can be addressed. Asks why the basement was retained in the modified design with Ms. Hostetter responding.

Commissioners: discuss a worst case scenario for water run up.

Whitney McDonald, County Counsel: explains to the Commissioners their options when considering conditioning the project because the County cannot require the applicant to apply for a variance.

Ken Topping: cannot support findings which he considers obsolete.

Eric Meyer: is in approval of the re-designed project.

Tim Murphy: feels the amended design is acceptable and agrees with the geologists reports and provides reasoning for his support of the project. Feels this proposal will probably be appealed.

Ken Topping: expresses his appreciation for the applicant having had the project re-designed. Would like to ensure the changing science is made aware of.

Thereafter, on motion of Eric Meyer, seconded by Don Campbell, and on the following vote:

AYES: Commissioner(s) Eric Meyer, Don Campbell, Tim Murphy.

NOES: Commissioner(s) , Ken Topping.

ABSENT: Commissioner(s) Jim Irving.

The Commission certifies the final Environmental Impact Report, including Appendices and adopts the revised CEQA Findings in Exhibit C the project findings listed in Exhibit A, and the revised Conditions in Exhibit B, and adding a new Condition 33 to read "33. Prior to issuance of grading permits, the applicant shall retain a certified arborist to conduct any site preparation activities requiring cuts or impacts to the root zone of the existing mature cypress tree. The certified arborist shall monitor work within the root zone, including grading and excavation for the retaining wall, and utility work. The applicant shall comply with methods identified by the certified arborist to avoid unnecessary damage to the root zone, including use of hand tools, protection and treatment of exposed roots during construction, and use of tunneling under shallow roots for utility installation in lieu of standard trenching."; adopted.

Thereafter, on motion of Ken Topping, seconded by Don Campbell, and on the following vote:

AYES: Commissioner(s) Ken Topping, Don Campbell, Eric Meyer, Tim Murphy.

NOES: None.

ABSENT: Commissioner(s) Jim Irving.